

DLF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JASON MENCER, VINCENT DOUGHERTY,
TIM HARROLD, ROSS HEPBURN, JOSH
FRASIER, and CODY WALDEN, individually
and on behalf of members of the proposed
Classes,

Plaintiffs,

v.

NBTY, INC., UNITED STATES
NUTRITION, INC., and
HEALTHWATCHERS, INC.,

Defendants.

Case No.: 2:14-cv-05030-LDW-AKT

**PROPOSED ORDER CONFIRMING
STIPULATION FOR DISMISSAL
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 41(a)(1)(A)(ii)**

The Court, having considered the parties' Stipulation for Dismissal Pursuant to Fed. R. Civ. P. 41(a), and good cause appearing therefor, hereby confirms that: Pursuant to Rule 41(a) of the Federal Rules of Civil Procedures, all claims, counterclaims and defenses between Plaintiffs VINCENT DOUGHERTY, TIM HARROLD, and CODY WALDEN and Defendants, NBTY, INC., UNITED STATES NUTRITION, INC., and HEALTHWATCHERS, INC., in this action were previously dismissed, and the Court entered an order confirming dismissal on February 4, 2015. Dkt. No. 32.

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedures, all claims,

counterclaims and defenses between Plaintiffs JASON MENCER, ROSS HEPBURN, and JOSH FRASIER and Defendants, NBTY, INC., UNITED STATES NUTRITION, INC., and HEALTHWATCHERS, INC., in this action are hereby dismissed, with prejudice, and, the parties shall bear their own costs, expenses, and attorneys' fees.

The Action is therefore dismissed in its entirety.

IT IS SO ORDERED.

Dated: March 31, 2015
Central Islip, New York

By s/ Leonard D. Wexler
LEONARD D. WEXLER
United States District Judge